

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTOPHER FRANKLIN,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:15-cv-1283
)	
STATE OF MISSOURI, CITY OF)	
ST. LOUIS, COUNTY OF ST. LOUIS,)	
JON BELMAR, SAM DOTSON,)	
CAPT. RONALD JOHNSON and)	
JOHN DOE,)	
)	
Defendants.)	

NOTICE OF REMOVAL TO FEDERAL COURT

COMES NOW Defendants St. Louis County, Missouri (“County”), and Chief Jon Belmar (“Chief Belmar”) by and through undersigned counsel, and pursuant to 28 U.S.C. § 1446(a) and 28 U.S.C. § 1331 hereby removes this action from the Circuit Court of St. Louis City, Missouri, based on these grounds:

1. On July 10, 2015 plaintiff filed suit against defendants in the Circuit Court of St. Louis City, State of Missouri, in the case styled *Christopher Franklin v. State of Missouri, et. al.*, Cause No. 1522-CC10089.
2. Count I of the Petition is brought under 42 U.S.C. § 1983 and § 1988 for alleged deprivation of Plaintiff’s rights under the Fourth and Fourteenth Amendments.
3. Counts II and III of the Petition re-allege and incorporate by reference the allegations set forth in Count I and form part of the same case or controversy underlying the § 1983 and § 1988 claims.
4. Defendant County and Defendant Chief Belmar were served on or about July 23, 2015

and have removed this case within thirty days thereafter. Such removal is timely under 28 U.S.C. §1446(b).

5. Pursuant to Local Rule 81-2.03 a copy of all process, pleadings and orders and other documents on file in the State court are attached as Exhibit A.

6. Pursuant to Local Rule 81-2.03 proof of filing the Notice of Removal with the Clerk of the State Court and proof of written notice on all adverse parties is attached as Exhibit B.

7. Venue is proper in this District under 28 U.S.C. §1391 because this District and Division embrace the geographic region where the State action is pending.

8. This Court has original jurisdiction over plaintiff's civil rights lawsuit under 28 U.S.C. §1331 and the claimed constitutional right is an essential element of all Counts in the Complaint.

9. Counsel for Co-Defendants have been consulted regarding this removal, and all defendants join in and consent to this action's removal to the United States District Court for the Eastern District, Eastern Division pursuant to 28 U.S.C. §1446(2)(A).

10. Defendants file herewith a filing fee in the amount of \$400.00 and the proof of filing the notice of removal with the Clerk of the State Circuit Court.

WHEREFORE, Defendants petition this court for removal of *Christopher Franklin v. State of Missouri, et. al.*, Cause No. 1522-CC10089 from the Circuit Court of the City of St. Louis, State of Missouri, to this Court.

Respectfully Submitted,

PETER J. KRANE
COUNTY COUNSELOR

/s/ Linda S. Wasserman
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*Attorneys for Defendants St. Louis County,
and St. Louis County Police Chief Jon Belmar*

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2015, a true and accurate copy of the foregoing was filed and served via the Court's electronic filing system and by regular U.S. Mail, Postage Prepaid, upon all of the following counsel of record : Elkin L. Kistner and Sean M. Elam, Bick & Kistner, P.C., Attorneys for Plaintiff, 101 S. Hanley Road, Suite 1280, St. Louis, MO 63105, elkinkis@bick-kistner.com; Colleen Joern Vetter, Assistant Attorney General, Missouri Attorney General's Office, Attorneys for State of Missouri and Captain Ronald Johnson, P.O. Box 861, St. Louis, MO 63188, Colleen.Vetter@ago.mo.gov; Tom McDonnell, Attorney at Law, City Counselor's Office, Attorneys for City of St. Louis and Police Chief Sam Dotson, 1200 Market Street, Room 314, City Hall, St. Louis, MO 63101, mcdonnellt@stlouis-mo.gov.

/s/Linda S. Wasserman
Linda S. Wasserman